AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	) Date: August 31, 2006
Robert A. Cordery et. al.	) Attorney Docket No.: F-688
Serial No.: 10/737,385	) Customer No.: 00919
Filed: December 16, 2003	) Group Art Unit: 3621
Confirmation No.: 5365	) Examiner: Jalatee Worjloh

Title: METHOD AND SYSTEM FOR FACILITATING TRANSACTIONS

TRANSMITTAL OF CORRECTED APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is the **APPEAL BRIEF** in the above-identified patent application with respect to the Notice of Appeal filed on February 10, 2006.

The fee for Appeal Brief has been previously paid.

The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. **16-1885**.

A duplicate copy of this transmittal is enclosed for use in charging the Deposit Account.

Respectfully submitted,

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CERTIFICATE OF MAILING

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Amy Harvey
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

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CORRECTED APPELLANT'S BRIEF

Sir:

This Brief is in furtherance of the Notice of Appeal filed in this case on February 10, 2006, the June 16, 2006 Notification of Non-Compliant Appeal Brief (37 CFR 41.37) and the August 9, 2006 Notification of Non-Compliant Appeal Brief (37 CFR 41.37).

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I. Real Party in Interest

The real party in interest in this appeal is Pitney Bowes Inc., a Delaware corporation, the assignee of this application.

II. Related Appeals and Interferences

There are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of Claims

A. Claims 1-42 and 45-47 are pending in this application.
B. Claims 43 and 44 have been cancelled.
C. Claims 1-40, 42 and 45- 47 have been rejected.
D. Claims 1-42 and 45-47 are on appeal.
E. Claim 41 has not been acted on.

IV. Status of Amendments

(1) An Amendment subsequent to the Final Rejection of October 11, 2005, was filed on December 21, 2005 This Amendment was not entered.

V. Summary of Claimed Subject Matter

This summary and references to specific page and line numbers, figures and reference characters is not intended to supplant or limit the description of the claimed subject matter as provided in the claims, as understood in light of the entire specification.

Appellants' invention is directed to facilitating an internet-based transaction between two parties, a first party payer and a second party payee, by employing a remote third party who has the trust of the second party payee. Generally, the claims recite a method,

a programmable system, and a computer readable medium for facilitating a transaction between a first party and a second party.

Claim 1 is one of the three independent claims in this patent application. Claim 1 relates to a method for facilitating a transaction between a first party and a second party. Claim 1 includes the following steps;

a) a remotely located system, which is controlled by a trusted third party, receives said first party's instructions for fulfilling at least a part of said first party's obligations in said transaction;

b) said trusted third party system communicating with said second party in a manner which provides said second party with an artificial personality of said trusted third party so that said second party will have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system; and

c) transmitting information to said second party to provide assurance that said first party's instructions have been or will be fulfilled; whereby

d) trust in said third party is transferred to said second party and said second party can trust that said first party's obligations have been or will be fulfilled.

The subject matter defined in independent claim is shown in Figs. 3 and 22 and described in page 10, paragraph [0048] to page 12 paragraph [0057] and page 28 paragraph [0104] to page 31 paragraph [0110] of Appellant's specification.

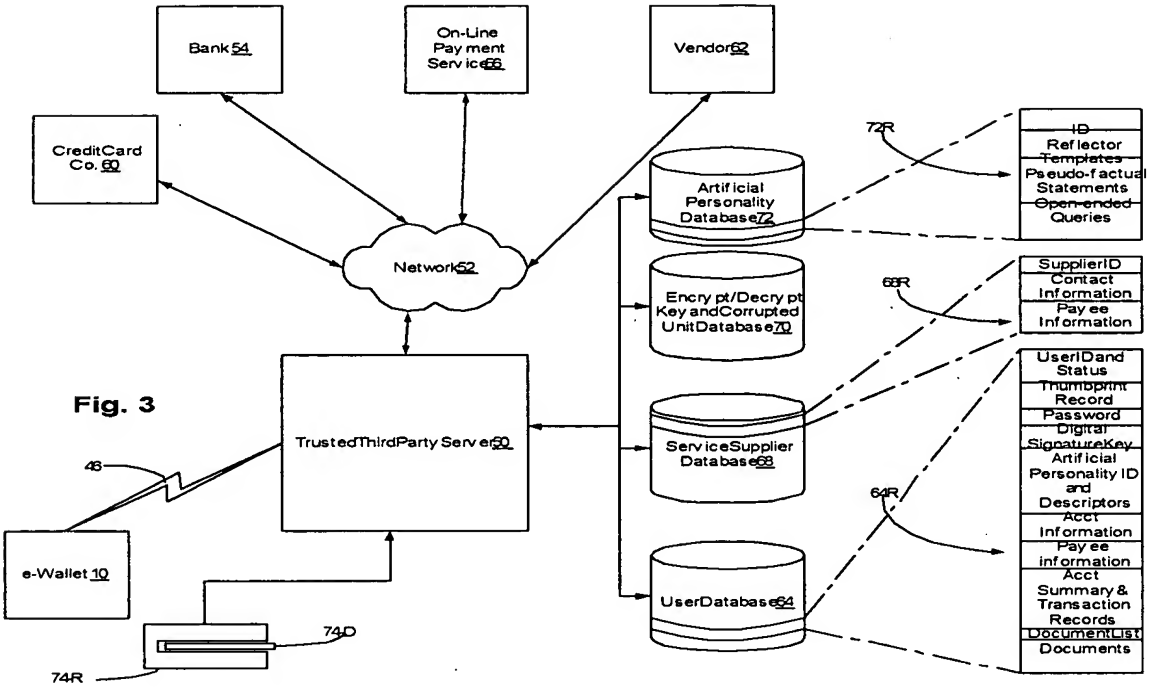

Fig. 3

[0048] Figure 3 shows a system where device 10, which can be any of a plurality of essentially functionally identical devices, communicates through communications link 46, which, as discussed above, can be any convenient link, with server 50. Server 50 also communicates through network 52 with various service providers. Network 52 can be the Internet, the public switched telephone network or any other convenient communications network. Bank 54, payment service 56, and credit card company 60 all provide a user who is a client of the trusted third party with ways to make payments to second parties. Clients can also place orders with vendor 62. (It should be noted that server 50 typically will communicate with more than one, and preferably several, service suppliers of each type, and that the present description shows only a single supplier of most types for reasons of simplicity of description only.)

[0049] (By "client" herein is meant a buyer or other first party user who uses the trusted third party to establish trust with a seller or other second party in a transaction. It is anticipated that the trusted third party will provide clients with communications devices 10 and the clients will compensate the trusted third party through transaction or rental fees. Details of the trusted third party's business model form no part of the subject invention however, and will not be discussed further here).

[0050] Server 50 also communicates with user database 64, which contains records for all users of the system, service supplier database 68, which contains records of all service suppliers, encryption/decryption database 70, which contains unique encryption/decryption keys for each of portable communication devices 10 in service, as well as a "blacklist" of corrupted devices 10 which have been reported as lost or stolen or which have shown signs of tampering and with which server 50 will not communicate and; artificial personality database 72, which stores records 72R defining a plurality of artificial personalities.

[0051] Preferably, communications between device 10 and third party system 50 employ a device specific encryption/decryption key. In other embodiments, device 10 and system 50 may employ a public key protocol such as server and client authenticated secure sockets layer (SSL) for authentication, data integrity and confidentiality.

[0052] User record 64R includes the fields: user id and status, i.e. whether or not the user is a client; a thumbprint record for the user; a client password; a client digital signature key; an artificial personality id and descriptors which identifies a particular artificial personality maintained by server 50 to communicate with a second party user and various descriptors which have been developed in the course of a relationship between the artificial personality and the second party user; client account information,

which identifies various client accounts from which payments can be made; payee information which directs how various forms of payment to a user should be directed; an account summary, which includes records of previous transactions and the balance of an account with the trusted third party system for the user as well as, preferably, a list of at least current debits and credits to the account; a client document list of documents stored for a client; and documents stored for the client. Each of these fields and its function will be described further below.

[0053] It should be note that not all fields need have data for all users. Since, in the preferred embodiment presently described, only clients can act as first parties and access payment and document functions, records for users who are not clients need not have passwords, digital signature keys, stored documents, nor client account information; while records for clients who do not act as second parties need not have payee information nor an artificial personality id and descriptors; as will be more fully explained below.

[0054] Vendor record 68R includes: contact information such as a URL which allows server 50 to contact the identified vendor to place an order, and payee information which directs how payment is to be made to the vendor.

[0055] Artificial personality record 72R includes: reflector templates which are used to create responses reflecting descriptors which have been extracted from a user's input; pseudo-factual statements which describe characteristics of the artificial personality or other putative "facts" (e.g. "The weather is nice here."); and open-ended queries which are used to continue the dialog when no other response can be generated. For each personality these templates, statements and queries are substantially the same semantically but vary in vocabulary and style to help differentiate the various personalities. By selecting a particular record 72R a corresponding particular

artificial personality can be selected and executed using a common artificial personality routine. These stylistic differences, combined with information about each user which is contained in the extracted descriptors, give the user a feeling that he or she is "talking to someone they know" when they communicate with server 50 through a selected artificial personality, as will described further below.

[0056] Initialization of the various databases described above (e.g. identification of a clients accounts and authorization for the trusted third party to access these accounts) can be carried out in any convenient manner; details of which form no part of the present invention and need not be described further here.

[0057] Program code to control server 50 in accordance with the subject invention is provided on magnetic or optical disk 74-D and input through disk reader 74-R, or through any other suitable computer readable medium. The term "computer-readable medium" as used herein refers to any medium that participates in providing program code to a processor for execution. Such a medium may take many forms, including but not limited to, non-volatile media, volatile media, and transmission media. Non-volatile media includes, for example, optical or magnetic disks, or random access read only memory. Volatile media includes random access dynamic memory. Transmission media includes coaxial cables, copper wire and fiber optics. Transmission media can also take the form of acoustic or light waves, such as those generated during radio wave and infrared data communications. By "program code" herein is meant sequences of indicia recorded on, or signals transmitted by, computer readable media, which, when input by a processor cause a processor to carry out a corresponding sequence of operations, i.e. execute the program code.

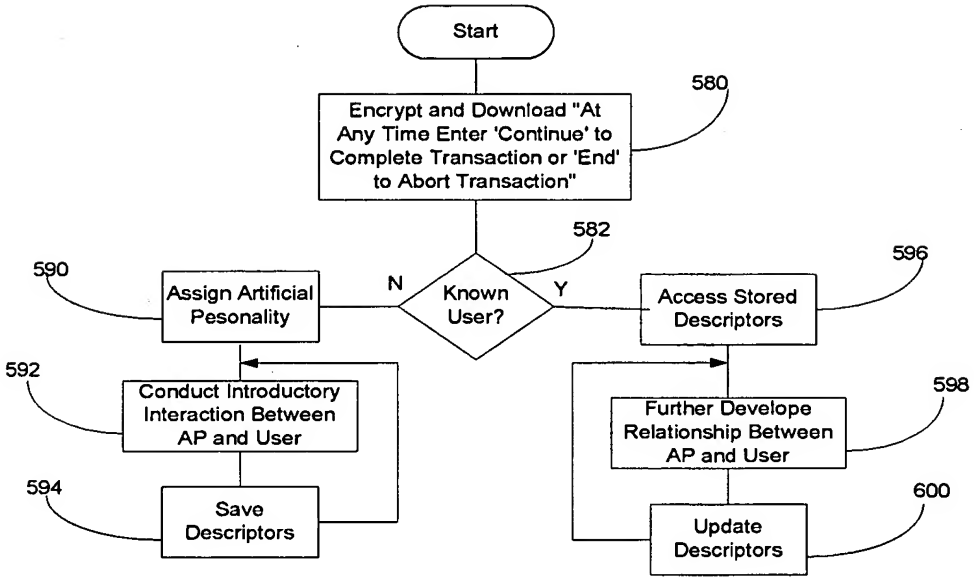

Fig. 22

[0104] Turning to Figure 22 the operation of server 50 in establishing a relationship (as shown in Figure 10) between a second party user and a selected artificial personality is shown. At step 580 the session or "conversation" between the user and the selected artificial personality is initiated by downloading a prompt to device 10. Note that the session continues until the user decides that he or she is confident about whether or not they are actually communicating with the trusted third party system. At step 582 server 50 determines if the user is known to the system. If not, at step 590 sever 50 selects an artificial personality from database 72. As described above record 72R contains reflector templates, pseudo-factual statements and open- end queries for a particular artificial personality. By varying the semantic content and the vocabulary of the elements stored in various records server 50 can execute a multiplicity of artificial personalities with a single routine. As will be described further below, as each user interacts with his or her selected artificial personality a record of shared information based on a unique relationship is developed so that communication with the selected artificial personality will provide the user

with perceptible assurance that they are in fact communicating with the trusted third party system.

[0105] Then at step 592 server 50 conducts an introductory session with the user designed to elicit statements from the user which can then be parsed to generate descriptors, and at step 594 saves these descriptors in record 64R (shown in Figure 3), together with the identity of the selected artificial personality. The session continues until the user decides to either continue with or abort the transaction.

[0106] Because the initial session will offer little assurance to a user who has "just met" the selected artificial personality it is anticipated that second party users will limit their initial few transactions to those having little or no risk until a relationship which provides sufficient assurance has developed. Alternatively, the trusted third party can provide potential second party users with an opportunity to conduct an initial session, not related to any transaction, from a secure telephone over the public switched network or through a secure web page; though this may require a one time password to link the initial session to the user's thumbprint or other biometric when device 10 is first used for a transaction. (While artificial personalities can also be used by first parties to verify that they are communicating with the trusted third party system, it is anticipated that this will generally not be necessary since an untrustworthy forth party will not have access to the first party's accounts and the third party will typically provide or control communications device 10.)

[0107] At step 582, if the user is known then at step 596 server 50 accesses the stored descriptors and at step 598 conducts a continuing session with the user and at step 600 updates the stored descriptors. These stored descriptors, together with the pseudo-factual statements that have been communicated to the user form a secure body of shared information

which, as a relationship develops over time to provide an increasing assurance to the user that he or she is in fact communicating with the trusted third party system; even though communication may be through an insecure device such as a cell phone or PDA which does not belong to the user.

[0108] It is believed that more advanced techniques for developing artificial personalities are known to those skilled in the artificial intelligence art, or may be developed in the future. Work in this area is being done by the Gesture and Narrative Language Group of MIT Media Labs, the Center for Human Modeling And Simulation at the University of Pennsylvania, and Digital Life Technologies Group, Leiden Inst. of Advanced Computer Sciences, University of Leiden, P.O. Box 9512, 2300 RA Leiden, The Netherlands. Such advanced techniques may allow artificial personalities to do things such as make inside jokes, as about things on the user's to do list, or ask things like: "How is that car you bought working out?" The user and the artificial personality can have a shared vocabulary so that ambiguous phrases such as "my account" or "Jeff" will be recognized. Advanced artificial personalities can also have traits such as a particular sense of humor, or style; make pseudo-factual statements about hobbies, its schedule, etc.; may gradually change over time; and generally may more closely emulate an actual person with a complex, detailed life and so provide an increased level of assurance to users. In other embodiments of the subject invention advanced artificial personalities can apply similar considerations to users to assure that users are who they represent themselves to be.

[0109] Such advanced artificial personalities, whether presently known or later developed can easily be incorporated into embodiments of the subject invention by those skilled in the art as may be found to be

convenient; and details of their implementation form no part of the present invention except as claimed below.

[0110] While use of an artificial personality has been described as carried out separately from other functions of the subject invention for simplicity of explanation those skilled in the art will recognize that in other embodiments all communications can be modified by the artificial personality so that the user constantly has a feeling of communicating with a known person. Artificial personalities also can be used to provide assurance to a user of other systems such as an online escrow system, so that a user wishing to make a payment to an escrow account can be sure that payment is not made to a false account.

Claim 26 is the second of the three independent claims in this patent application. Claim 26 relates to a programmable system controlled by a trusted third party for facilitating transactions between a first party and a second party, where the system is programmed to:

a) receive said first party's instructions for fulfilling at least a part of said first party's obligations in said transaction;

b) communicate with said second party in a manner which provides said second party with a artificial personality of said trusted third party so that said second party will have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system; and

c) transmit information to said second party to provide assurance that said first party's instructions have been or will be fulfilled; whereby

d) trust in said third party is transferred to said second party and said second party can trust that said first party's obligations have been or will be fulfilled.

Claim 26 of Appellant's invention is shown in Figs. 3 and 22 and described in page 10, paragraph [0048] to page 12, paragraph [0057] and page 28, paragraph [0104] to page 31, paragraph [0110] of Appellant's specification, which was set forth above.

Claim 42 is the third independent claim in this patent application. Claim 42 relates to a computer readable medium for providing a program code for execution by a trusted third party system where the system is responsive to the program code to:

a) receive said first party's instructions for fulfilling at least a part of said first party's obligations in said transaction;

b) communicate with said second party in a manner which provides said second party with a artificial personality of said trusted third party so that said second party will have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system; and

c) transmit information o said second party to provide assurance that said first party's instructions have been or will be fulfilled.

Claim 42 of Appellant's invention is shown in Figs. 3 and 22 and described in page 10, paragraph [0048] to page 12, paragraph [0057] and page 28, paragraph [0104] to page 31, paragraph [0110] of Appellant's specification, which was set forth above.

VI. Grounds of Rejection to be Reviewed on Appeal

A. Whether the subject matter defined in independent claims 1, 2, 3, 9, 10, 11, 12, 26, 27, 30 – 37, 38, 40, 42, and 45 - 47 are unpatentable under 35 U.S.C. § 103(a) over Tsiounis (U.S. Pub. 2001/0039535), in view of Solomon (U.S. Pub. 2003/02333305).

B. Whether the subject matter defined in claim 4 is unpatentable under 35 U.S.C. 103(a) over Tsiounis, in view of Solomon.

C. Whether the subject matter defined in Claim 5 is unpatentable under 35 U.S.C. 103(a) over Tsiounis, in view of Solomon.

D. Whether the subject matter defined in claims 7, 8, 14-25, 28, 29, and 32-37 is unpatentable under 35 U.S.C. 103(a) over Tsiounis, in view of Solomon and Rosenberg (U.S. Patent No. 6,363,357).

E. Whether Claim 41 is patentable.

VII. Argument

A. Claims 1, 2, 3, 9, 11, 12, 26, 27, 30 – 37, 38, 40, 42 and 45 – 47.

Tsiounis discloses the following in paragraph 0036:

> "In **FIG**. 1, a customer is operating a web browser on customer computer **100**. The browser uses HTML information transmitted by merchant server **110** to display the merchant's web pages on customer computer **100**. A customer viewing a merchant's web site that wishes to purchase an advertised good or service (referred to hereinafter as "item") indicates a selected item and indicates that the customer wishes to pay for the item using a trusted third party. The customer may indicate desire to pay using a trusted third party by, for example, clicking on an icon or other section of the displayed web page carrying identification of the trusted third party. The web browser on customer computer **100** interprets the customer's indication and transmits the selections to merchant server **110** as order information (step **10**). Merchant server **110** receives the order information and transmits back to customer **100** transaction information, such as a payment price, currency code, merchant identification number ("merchant ID"), transaction identification number ("transaction ID"), transaction date and time, and description of goods sold. Merchant and transaction ID "numbers" may also include letters and symbols. In some embodiments consistent with the present invention, merchant server **110** digitally signs the merchant ID and/or the transaction ID so that either the customer or TTP **120** can authenticate the identify (sic) of the merchant."

Tsiounis discloses the following in paragraph 0044

"In methods and systems consistent with the present invention, the customer's confidential payment information and transaction information is used to generate a Payment Authorization Number (or "PAN"). As described herein, the PAN may be generated by a TTP-signed applet, object, or browser plug-in operating on customer computer **110**, or software operating on TTP **120**. The software that generates the PAN (whether resident on customer computer **110** or TTP **120**) will be referred to as the "PAN calculator."

Tsiounis discloses the following in paragraph 0048

"The PAN calculator generates a PAN (step **260**). In one embodiment of the present invention, the PAN is a digital signature of the customer's confidential payment information. The PAN may be generated, for example, using any known means for generating a digital signature. In one embodiment of the present invention, the PAN is generated by computing a Hash-based Message Authentication Code (such as "HMAC-SHA-1") of the confidential payment information. Methods for generating HMACs are well known by those skilled in the art and are described in further detail, for example, in "Keying Hash Functions for Message Authentication," Advances in Cryptology, Crypto 96 Proceedings, Lecture Notes in Computer Science, Vol., 1109 (Springer-Verlag, N. Koblitz, ed.), 1996, by Mihir Bellare et al."

Tsiounis uses computational resources and confidential payment information for authentication purposes.

Appellant uses relationship information between the second and trusted third party to give the second party perceptible assurance that they are communicating with the trusted third party. For instance, Tsiounis does not disclose or anticipate step b of claim 1, and those claims dependent thereon namely, said trusted third party system communicating with said second party in a manner which provides said second party with a artificial personality of said trusted third party so that said second party will have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system.

The Examiner admits that Tsiounis fails to disclose an "artificial personality", as well as providing the same to a second party in order to establish a trust relationship. In particular, the Examiner states, "Tsiounis [does] not expressly disclose an artificial

personality of [a] trusted third party so that [a] second party will have perceptible assurance that [it] will recognize the artificial personality of the trusted third party ...." (Final Office Action, pg.3). The Examiner asserts that Solomon discloses these elements.

Solomon discloses the following in paragraphs [0026], [0027] and [0028]

"[0026] AAs use Evolutionary Computation (EC) technologies in order to develop economic scenario forecasts. To do this, genetic programming (GP) approaches are used, as well as genetic algorithms (GA) and neural network (NN) methods, that compare the constantly changing market conditions with customer preferences and provide adaptive real time analysis and customized advice.

[0027] Because they are organized in vertical industry cooperative communities, cooperative communications networks (CCNs) are maintained by participating sellers. CSAs are free for basic services but can access AA services. AAs have various levels of services that are accessible by users for supplemental fees.

[0028] In order to conduct searches and to perform negotiations and transactions, the system uses codes to transfer information. These codes may be processed using languages such as the extensible mark-up language (XML) and registries (UDDI, RDF) as well as proprietary information exchange methods (SOAP). Some of the mobile program codes are written in the Java, Java 2, Java Beans, Jini, C++, C# and other languages."

Solomon discloses the following in paragraphs [0055] and [0064]

"[0055] Implications of the Present Invention."

[0064] The use of AI technologies automates the capture, analysis and use of information and agents to be increasingly useful, efficient and mobile."

The Examiner is required to show where the express recitations are found in the asserted art, not just general concepts of tangential relevance. To establish a proper case of obviousness under § 103(a), the Examiner must make a *prima facie* showing that the prior art contains some teaching or suggestion of, or motivation for, all the elements of the claimed invention. In re Piasecki, 223 USPQ 785, 788 (Fed. Cir. 1984); In re Oetiker, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Rijckaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). Solomon fails to disclose any form of artificial personality, as recited in independent claims 1, 26, 42 and those claims dependent thereon, or for that matter, an artificial

personality of a trusted third party that provides a perceiving second party with a perceptible assurance that the second party will recognize the artificial personality of the trusted third party.

Those portions of Solomon cited by the Examiner merely discuss intelligent software agents that perform negotiations between a buyer and at least two sellers, intelligent negotiation Agents (INAs) and Intelligent Transaction Agents (ITAs). (0208) Further, Solomon's paragraphs 0267 and 0386 irrelevantly describe INAs, and artificial intelligence with respect to autonomous agency, respectively. Not once is the term "artificial personality", nor its function, used, described or even alluded to in Solomon. It is, therefore, respectfully submitted that Solomon fails to disclose, teach or suggest an artificial personality, as recited in independent claims 1, 26, 38 and 42.

The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); in re Deuel, *51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995); in re Fritch*, 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the requisite motivation, it has been consistently held that both the suggestion and reasonable expectation of success must stem from the prior art itself, as a whole. *In re Ochiai*, supra; in re Vaeck, *947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); in re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *in re Dow Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988). The Examiner has not provided a single meaningful citation to any applied reference for the required motivation to combine.

Instead, the Examiner merely states that the motivation to combine these references exists because artificial intelligence is useful, efficient, and mobile. (Solomon at ¶ 0064). This portion of Solomon has no relevance whatsoever to the recited claim language reflecting (1) a trusted third party system having an artificial personality and (2) the trusted third party providing a second party with the artificial personality so that the second party will have a perceptible assurance and recognize the artificial personality as belonging to the trusted third party. Moreover, the fact that the general field of artificial intelligence could be useful completely misses the point and provides no objective reason

to combine the teachings of the applied references. Therefore, Appellants respectfully submit that none of the cited references, either alone or in combination, provide the required motivation to support the Examiner's asserted combination.

As recited in the claims, the term "artificial personality" is not synonymous with artificial intelligence. Further, the Examiner does not argue that the ordinary and customary meaning of artificial personality is the same as artificial intelligence. Accordingly, the Examiner's rationale is improper. Solomon does not provide the elements missing from Tsiounis. For at least these reasons, the rejections of independent claims 1, 26, and 42, and their dependent claims should be withdrawn.

B. Claim 4

In addition to the arguments made in above Section A the cited references do not anticipate or disclose peripheral devices that have perceptible features which are difficult to reproduce, and are all tamper resistant to provide said perceptible assurance, whereby said second party perceptible assurance that said portable communications device is an authorized device and that said information provided by said trusted third party system is authentic.

C. Claim 5

In addition to the argument made in above sections A and B the cited references do not anticipate or disclose perceptible features of said portable communications device include at least one of: special materials used in its construction, patterns etched or otherwise affixed to its surface, fibers or particles embedded in its surface, holograms, or a unique form.

F. Claims 7, 8, 14 – 25, 28, 29 and 32 – 37. In addition to this argument made in above section A please consider the following:

Rosenberg discloses the following in column 4 lines 22-54.

"Payment broker computer **132** includes a central processing unit **154**, RAM **156**, ROM **158**, a merchant database **160**, a merchant account database **162**, decryption software **164**, encryption software **166**, a buyer database **168**, buyer vaults **170**, a broker merchant web site **172** and a broker buyer web site **174**. When a merchant **106** wants to register with the payment broker's **118** service in order to sell digital content via the online payment system **100**, the merchant **106** connects to the broker's merchant web site **172** via the public network **120** utilizing the browser **144** (step **300**). The merchant **106** indicates the desire to register by clicking on an icon at the broker's merchant web site **172** (step **300**). The payment broker computer **132** then requests information from the merchant **106** such as name (of individual or company), mailing and e-mail addresses, work/fax numbers, merchant bank and appropriate account numbers for receiving payments, a merchant password, and the merchant interbank account transfer number (step **302**). Upon receipt of the aforementioned information by the broker computer **132**, via a secure socket layer (SSL) connection, it is stored in the merchant database **160** (step **304**). The broker computer **132** then returns to the merchant computer **124** encoder utility software **150** and a merchant registration file that is stored in merchant registration file store **152** (step **306**). The merchant registration file includes a merchant identification (ID) and a merchant secret key "K_m" which are also stored in the merchant database **160**. The broker computer **132** establishes a merchant account in the merchant account database **162** which is correlated to all of the merchant specific information in merchant database **160**, including the merchant registration file information (step **308**). At this point in time, the merchant **106** is fully registered with the payment broker computer **132** (step **310**)."

In Rosenberg's disclosed invention the merchant is disclosing publicly available information i.e. name, mailing and e-mail address, fax number, etc.

Whereas in applicant's claimed invention applicant is utilizing artificial personality information. Appellant stated in lines 7-17 of paragraph 0108 of application specification the following:

"Such advanced techniques may allow artificial personalities to do things such as make inside jokes, ask about things on the user's to do list, or ask things like: "How is that car you bought working out?" The user and the artificial personality can have a shared vocabulary so that ambiguous phrases such as "my account" or "Jeff" will be recognized. Advanced artificial personalities can also have traits such as a particular sense of humor, or style; make pseudo-factual statements about hobbies, its schedule, etc.; may gradually change over time; and generally may more closely emulate an actual person with a complex, detailed life and so provide an increased level of assurance to users. In other embodiments of the

subject invention advanced artificial personalities can apply similar considerations to users to assure that users are who they represent themselves to be."

Thus, the artificial personality claimed by applicant is not disclosed or anticipated by Tsiounis and/or Rosenberg.

G. Claim 41 was not rejected under any grounds.

The Examiner did not reject claim 41 on prior art grounds, or any other grounds. As such, claim 41 should be allowed.

In Conclusion, Appellants respectfully submit that the final rejection of claims 1-37, 41, 42, and 45-47 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,

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Name of Person Certifying

VIII. CLAIMS APPENDIX

What is claimed is:

1. A method for facilitating a transaction between a first party and a second party, said method comprising the steps of:

a) a remotely located system, which is controlled by a trusted third party, receives said first party's instructions for fulfilling at least a part of said first party's obligations in said transaction;

b) said trusted third party system communicating with said second party in a manner which provides said second party with a artificial personality of said trusted third party so that said second party will have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system; and

c) transmitting information to said second party to provide assurance that said first party's instructions have been or will be fulfilled; whereby

d) trust in said third party is transferred to said second party and said second party can trust that said first party's obligations have been or will be fulfilled.

2. A method as described in claim 1 where said first party transmits said instructions to said trusted third party system through a portable communications device which is one of a plurality of essentially functionally identical communications devices, whereby said first party can use any of said plurality of devices to transmit said instructions.

3. A method as described in claim 2 where said trusted third party system transmits said information to said second party through said portable communications device.

4. A method as described in claim 3 where said plurality of devices all have perceptible features which are difficult to reproduce; and are all tamper resistant to provide said perceptible assurance, whereby said second party perceptible assurance that said portable communications device is an authorized device and that said information provided by said trusted third party system is authentic.

5. A method as described in claim 4 where said perceptible features of said portable communications device include at least one of: special materials used in its construction, patterns etched or otherwise affixed to its surface, fibers or particles embedded in its surface, holograms, or a unique form.

6. A method as described in claim 4 where said perceptible features of said portable communications device includes a perceptible signal representative of information shared by said trusted third party system and said second party.

7. A method as described in claim 6 where said shared information is based upon a pattern of information exchanged by said trusted third party system and said second party during the development of a relationship.

8. A method as described in claim 7 where said shared information is modified and structured by an artificial personality program, whereby characteristics of the transmitted information produced by said program provide said second party with said perceptible assurance that said second party is in communication with said trusted third party system.

9. A method as described in claim 1 where said information transmitted by said trusted third party system is modified and structured by an artificial personality program, whereby characteristics of the transmitted information produced by said program provide said second party with said perceptible assurance that said second party is in communication with said trusted third party system.

10. A method as described in claim 1 where said first party's obligations in said transaction include payment to said second party.

11. A method as described in claim 10 where said first party transmits instructions to said trusted third party system to make said payment from a first party account.

12. A method as described in claim 11 where said instructions include instructions to select said first party account from a plurality of accounts.

13. A method as described in claim 12 where said plurality of accounts includes at least one of: an account maintained with said trusted third party, a bank account, a credit card account, or an account with a payment service.

14. A method as described in claim 10 comprising the further step of said second party providing instructions to said third party directing how said payment is to be made.

15. A method as described in claim 10 where said second party can provide instructions that said payment be made to an account maintained with said trusted third party.

16. A method as described in claim 1 where said first party's obligations in said transaction include providing a copy of a document to said second party.

17. A method as described in claim 16 where said document has been previously stored with said trusted third party system and said trusted third party system transmits said document to said second party.

18. A method as described in claim 16 where said trusted third party system digitally signs said document on behalf of said first party.

19. A method as described in claim 18 where said document is one of: a receipt, an offer, an acceptance, or a check.

20. A method as described in claim 16 where said document is an identification document.

21. A method as described in claim 16 comprising the further step of said second party providing instructions to said third party directing how said document is to be delivered.

22. A method as described in claim 16 where said first party transmits instructions to said trusted third party system, said instructions at least partly specifying the contents of said document.

23. A method as described in claim 1 where a party maintains an account with a trusted third party and said party can access said trusted third party system to review said account.

24. A method as described in claim 1 where said second party is a vendor with whom said trusted third party has established a relationship and said transaction is a purchase by said first party from said second party.

25. A method as described in claim 1 comprising the further step of said third party system saving a record of said transaction for later use in case of a dispute.

26. A programmable system controlled by a trusted third party for facilitating a transaction between a first party and a second party, said system being programmed to:

a) receive said first party's instructions for fulfilling at least a part of said first party's obligations in said transaction;

b) communicate with said second party in a manner which provides said second party with a artificial personality of said trusted third party so that said second party will have a perceptible assurance that said second party will recognize the artificial

personality of said trusted third party when said second party is in communication with said trusted third party system; and

c) transmit information to said second party to provide assurance that said first party's instructions have been or will be fulfilled; whereby

d) trust in said third party is transferred to said second party and said second party can trust that said first party's obligations have been or will be fulfilled.

27. A system as described in claim 26 where said first party transmits said instructions to said trusted third party system through a portable communications device which is one of a plurality of essentially functionally identical communications devices, whereby said first party can use any of said plurality of devices to transmit said instructions, and said system is further programmed to test each input received to determine if said inputs are received from an authorized and uncorrupted one of said devices.

28. A system as described in claim 26 where said system is further programmed to provide said perceptible assurance by communicating shared information based upon a pattern of information exchanged by said trusted third party system and said second party during the development of a relationship to said second party.

29. A system as described in claim 28 where said system is further programmed with an artificial personality program to modify and structure said shared information, whereby characteristics of the transmitted information produced by said program provide said second party with said perceptible assurance that said second party is in communication with said trusted third party system.

30. A system as described in claim 26 where said first party's obligations in said transaction include payment to said second party and said instructions to said system are to make said payment from a first party account.

31. A system as described in claim 30 where said instructions include instructions to select said first party account from a plurality of accounts, said plurality of accounts including at least one of: an account maintained with said trusted third party, a bank account, a credit card account, or an account with a payment service.

32. A system as described in claim 26 where said system is further programmed to receive instructions from said second party directing how said payment is to be made.

33. A system as described in claim 26 where said first party's obligations in said transaction include providing a copy of a document to said second party and said instructions to said system are to transmit said document to said second party.

34. A system as described in claim 33 where said document has been previously stored in said system.

35. A system as described in claim 33 where said system is further programmed to digitally sign said document on behalf of said first party.

36. A system as described in claim 35 where said system is further programmed to receive instructions from said second party directing how said document is to be delivered.

37. A system as described in claim 36 where said system is further programmed to receive further instructions from said first party, said further instructions at least partly specifying the contents of said document.

38. A portable communications device, which is one of a plurality of essentially functionally identical communications devices for communicating with a trusted third party system, where said plurality of devices all have perceptible features which are difficult to reproduce, and are all tamper resistant, so as to provide perceptible assurance that said portable communications device is an authorized device and that said information provided by said trusted third party system is authentic.

39. A portable communications device as described in claim 38 where said perceptible features include at least one of: special materials used in its construction, patterns etched or otherwise affixed to its surface, fibers or particles embedded in its surface, holograms, or a unique form.

40. A portable communications device as described in claim 38 where said perceptible features include a perceptible signal representative of information shared by said trusted third party system and said second party.

41. A portable communications device as described in claim 38 further comprising a tamper-detecting system for detecting attempts to tamper with said device, and for communicating with said third party system if an attempt to tamper is detected.

42. A computer readable medium for providing program code for execution by a trusted third party system, said system being responsive to said program code to:

a) receive said first party's instructions for fulfilling at least a part of said first party's obligations in a transaction;

b) communicate with said second party in a manner which provides said second party with a artificial personality of said trusted third party so that said second party will have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system; and

c) transmit information to said second party to provide assurance that said first party's instructions have been or will be fulfilled.

45. The method claimed in claim 1, wherein said artificial personality of said trusted third party elicits responses from said second party.

46. The method claimed in claim 26, wherein said artificial personality of said trusted third party elicits responses from said second party.

47. The method claimed in claim 42, wherein said artificial personality of said trusted third party elicits responses from said second party.

IX. EVIDENCE APPENDIX

There is no additional evidence to submit.

X. RELATED PROCEEDINGS APPENDIX

There are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.